



## **MedStar Health Denies Equal Access to Medical Care for an Individual with Disabilities Hospitalized During Covid-19**

*Disability Rights DC Together with a Coalition of Advocates File Complaint with the U.S. Department of Health & Human Services' Office for Civil Rights to End Unlawful Disability Discrimination Concerning MedStar Health's Covid-19 Visitation Policies*

### **For Immediate Release**

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Washington – Disability Rights DC at University Legal Services yesterday filed a formal complaint with the Office for Civil Rights (OCR) of the U.S. Department of Health & Human Services, urging the federal agency to immediately investigate and take prompt action to remedy MedStar Health's unlawful denial of W.K.'s (a 72-year old man with acute brain dysfunction, hearing, cognitive, physical, and mental health disabilities) right to equal access to proper medical care and treatment during the COVID-19 pandemic. Specifically, the complaint alleges that MedStar Washington Hospital Center (MWHC) and the MedStar National Rehabilitation Hospital (MNRH) is discriminating against W.K. by denying him reasonable in-person access to individualized communication supports and services, including a trained support person and other technical auxiliary aids and services. We further requested that OCR advise MedStar Health to eliminate its discriminatory policies and practices and "develop revised, mandatory, uniform standards."

Disability Rights DC is joined in the filing by the national organizations of CommunicationFIRST, the Center for Public Representation, The Arc of the United States, the Autistic Self Advocacy Network, and the Civil Rights Education and Enforcement Center, along with the local organizations of Quality Trust for Individuals with Disabilities and the Washington Lawyers' Committee.

"The District lacks clear, mandatory District-level guidance and policy to prevent discrimination against patients with disabilities. Instead, it allows health care entities like MedStar Health to set their own policies regarding in-person supports and other communication-related accommodations during the pandemic and gives these entities significant discretion to implement its policies. These myriad policies allow facilities like MWHC and MNRH to unlawfully deny patients with disabilities access to in-person supports and other communication-related accommodations they may need to equitably access health care," the complaint explains.

The complaint further details MedStar Health’s repeated failure, despite recommendations by four MedStar Health treating providers and W.K.’s treating provider in the community, to provide reasonable in-person access to his daughter, his trained support person who is familiar with his communication needs, in violation of Title III of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, Section 1557 of the Affordable Care Act, and the DC Human Rights Act. As a consequence of failing to provide these reasonable accommodations, W.K. is being denied effective and equal communication; at substantial risk of receiving inadequate medical care and having poorer health outcomes than patients without disabilities; being deprived of his right to make and effectively communicate informed consent; being subjected to the unnecessary use of harmful physical and chemical restraints; and at risk of experiencing substantial and lasting emotional harm.

“MedStar Health and its providers must adhere to the communication needs and other civil rights of W.K. and other individuals with disabilities in its care during this unprecedented public health emergency,” says Managing Attorney Lyndsay Niles. “The District of Columbia Hospital Association’s voluntary guidance gives hospitals like MedStar Health the discretion to discriminate against patients with disabilities, who are far more vulnerable to COVID-19 than the population at large.”

For more information about Disability Rights DC and a copy of the complaint with OCR:  
<http://www.uls-dc.org/resources/>

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**Disability Rights DC (DRDC) at University Legal Services** is the federally designated protection and advocacy program for people with disabilities in the District of Columbia. DRDC’s mission is to ensure that District of Columbia residents with disabilities have the legal rights to which they are entitled, including the right to be free from harm, the right to individual choice, and the right to full inclusion in the community.